UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IHOP RESTAURANTS, LLC, **Plaintiff,** **v.** **LEN-W FOODS, INC.,** **Defendant.**	**Case Number: 1:15-cv-02600-SCJ**

PLAINTIFF IHOP RESTAURANTS, LLC'S
REQUEST FOR CLERK'S ENTRY OF DEFAULT
AGAINST DEFENDANT LEN-W FOODS, INC.

Plaintiff IHOP Restaurants, LLC ("IHOP") moves for the entry of default judgment against Len-W Foods, Inc. ("Len-W") pursuant to Rule 55(a) of the Federal Rules of Civil Procedure. In support of this Request, IHOP shows the Court the following:

1. On July 30, 2015, IHOP filed its Answer and Counterclaim [Dkt. No. 5], serving Len-W via ECF copy to its counsel.

2. Rule 12(a)(1)(B) of the Federal Rules of Civil Procedure provides that a party must serve an answer to a counterclaim within 21 days after being served with the pleading that states the counterclaim. Consequently, Len-W's Answer was due on or before August 24, 2015.

5. Len-W did not request or move for any extension, nor has it filed any answer to the Counterclaim.

6. Rule 55(a) of the Federal Rules of Civil Procedure provides that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."

7. Len-W is a corporation, unable to serve in the military, and not an infant or incompetent person. Len-W has simply failed to respond to the Counterclaim as set forth above.

8. IHOP thus requests that the clerk enter Len-W's default.

Respectfully submitted this 8th day of September, 2015.

[SIGNATURE ON FOLLOWING PAGE]

Dated: September 8, 2015.

Respectfully submitted,

ARNALL GOLDEN GREGORY LLP

By: /s/ Andrew B. Flake

Andrew B. Flake
Georgia Bar No.
171 17th St., NW, Ste. 2100
Atlanta, GA 30363
Phone: 404.873.7026
Facsimile: 404.873.7027
Email: Andrew.Flake@agg.com

Counsel for IHOP Restaurants, LLC

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IHOP RESTAURANTS, LLC, **Plaintiff,** **v.** **LEN-W FOODS, INC.,** **Defendant.**	**Case Number: 1:15-cv-02600-SCJ**

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2015, I served a true copy of the foregoing document via ECF filing to:

George O. Lawson, Jr.
Lawson & Thornton, P.C.
3800 N. Camp Creek Parkway, SW
Bldg. 1200, Ste. 150
Atlanta, GA 30331

By: /s/ Andrew B. Flake

Andrew B. Flake
Georgia Bar No.
ARNALL GOLDEN GREGORY LLP
171 17th St., NW, Ste. 2100
Atlanta, GA 30363
Phone: 404.873.7026
Facsimile: 404.873.7027
Email: Andrew.Flake@agg.com